

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARISOL ALICEA,

Plaintiff,

v.

Case No. 09-CV-798

MICHAEL ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

On August 17, 2009, plaintiff Marisol Alicea ("Alicea") filed a complaint seeking judicial review of a decision to deny her disability benefits. In addition to her complaint, Alicea also filed a motion for leave to proceed *in forma pauperis* (IFP). The court finds that Alicea fulfills the requirements to proceed IFP and will grant her motion.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se*

plaintiff's allegations, "however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Alicea submits an affidavit in which she declares under penalty of perjury that she is currently unemployed and receives no form of income other than food stamps. Alicea also attests that she has no valuable tangible or intangible property. Based upon this information, the court determines that Alicea is unable to pay the costs of commencing this action.

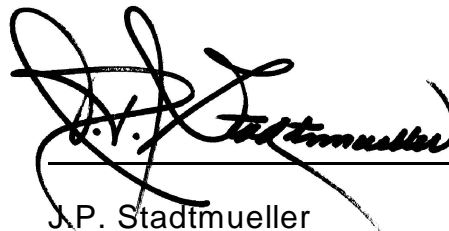
Liberally construing the plaintiff's allegations, the court also finds that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. The court will, therefore, grant the plaintiff's motion for leave to proceed IFP.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed in forma pauperis (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 10th day of September, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge